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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,759	09/24/2003	Ralf Kurten	24583N1US	2799
7590	02/25/2005		EXAMINER	
Martin A. Farber, Esq. Suite 473 866 United Nations Plaza New York, NY 10017			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/670,759	KURTEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher Boswell	3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 November 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 13-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,019,402 to Arabia, Jr. et al.

Arabia discloses rotary-latch lock (10) having a rotary latch (24) which is retained in a locked position by a catch (26), and having an actuating member (132) which can be displaced by an electric motor (112) from a starting position into an actuating position and serves for pivoting the catch into a release position, the release position of the catch enabling the rotary latch can pivot into an open position (column 9, lines 47-67; column 8, lines 14-44; and column 5, lines 3-13), wherein a release member (118) is operative by means of the rotary latch, as the latter rotates into the open position, to release the actuating member for the catch for return displacement into the starting position, as in claim 13.

Arabia also discloses the actuating member being displaced from the starting position into the actuating position counter to the restoring force of a spring (28), as in claim 14, and the actuating member is an axially displaceable worm (144) which is arranged in a non-rotatable manner on a shaft (figure 1) which is driven in rotation by a motor, a protrusion (116) of the release member engaging in the worm helix, as in claim 15, wherein the spring (20) is a helical compression spring (column 3, line 66-column 4, line 3), which is seated on the shaft, as in claim

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16, and the shaft engages through the fork interior (116) of a fork-like end (figure 5) of the catch, said end forming the disengaging section, as in claim 18, as well as the protrusion is assigned to one lever arm (82) and another lever arm (84), of the release member, and follows the rotary latch in contact therewith, as in claim 20, and where the shaft (15) runs up against a block when the release position of the catch is reached (column 10, lines 20-23), as in claim 22.

Arabia additionally discloses a stop (122) which is assigned in a rotationally fixed manner to the shaft and strikes against a mating stop (126) when the release position of the catch is reached, as in claim 23, wherein the stop is a radial protrusion (figure 5) and the mating stop is assigned to the disengaging section, as in claim 24, wherein the stop is at an end of the shaft (figure 5), as in claim 25.

Arabia further discloses the actuating member acts on a disengaging section (82) of a catch arrangement, as in claim 17, and the release member is a lever which can be pivoted about a lock-housing-mounted pin (18, figure 2), as in claim 19, as well as a disengaging protrusion (88, 90) which projects radially from the rotary latch and is intended for another lever arm (116) of the release member, as in claim 21.

#### *Response to Arguments*

Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive. Regarding the argument that Arabia does not disclose an actuation member pivots a catch into a release position, by which a rotary-latch can pivot into an open position (page 5, lines 7-17 of remarks), the examiner respectfully disagrees. Arabia discloses the actuation member 132, through a series of actuations, pivoting pin 54 (column 9, lines 47-67), followed by pin 54 actuating detent pin 34, which is connected to the catch (column 8, lines 14-

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44), and then releasing the catch, letting the rotary latch pivot into an open position (column 5, lines 3-13).

Additionally, regarding the argument that Arabia does not disclose a release mechanism, operative by the rotary latch (page 6, lines 3-11 of remarks), the examiner respectfully disagrees. Arabia discloses the release member 118 being a part of the actuation member 116, wherein the release member presses tab 90 (column 10, lines 24-33), which actuates the lower lock member 82 that has an unlatching lever 44 which, in turn un releases catch 26 (column 4, lines 26-41).

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB   
February 17, 2005

DANIEL P. STODOLA  
SUPervisory PATENT EXAMINER  
TECHNOLOGY CENTER 3600